

29-250 DEPARTMENT OF SECRETARY OF STATE

BUREAU OF MOTOR VEHICLES

Chapter 9: RULES GOVERNING DRIVER EDUCATION

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Chapter 9: RULES GOVERNING DRIVER EDUCATION

SUMMARY: These rules govern the licensure of driver education instructors and schools.

§1. Purpose. The primary purposes of these rules are to: (1) establish the minimum qualifications, licensing standards, and procedures for the licensure of driver education schools and instructors, and (2) implement a standardized driver education curriculum based on best practices. These rules repeal existing rules governing driver education in accordance with PL 1995, Chapter 505, §19.

§2. Definitions. For the purposes of these rules the following definitions apply.

1. Applicant means applicant as defined by 29-A MRSA §1354.
2. Behind-the-wheel instruction means that portion of driver education during which a student actually manipulates the controls of a motor vehicle.
3. Class A driver education instructor license means a license issued by the Secretary of State which authorizes the holder to teach both the classroom and behind-the-wheel phases of driver education.
4. Class A driver education school license means a license issued by the Secretary of State which authorizes the holder to provide both the classroom and behind-the-wheel phases of driver education and to employ Class A and Class B driver education instructors.
5. Class B driver education instructor license means a license issued by the Secretary of State which authorizes the holder to teach only the behind-the-wheel phase of driver education.
6. Class B driver education school license means a license issued by the Secretary of State which authorizes the holder to provide only behind-the-wheel instruction to individuals who hold a learner's permit, driver's license or temporary driver's license and to employ Class A and Class B driver education instructors to provide behind-the-wheel instruction.
7. Classroom instruction means that portion of driver education during which a student is participating in instruction at an approved classroom facility.

8. Commercial driver's license means commercial driver's license as defined by 29-A MRSA §101 (16).
9. Commercial motor vehicle means commercial motor vehicle as defined by 29-A MRSA §101 (17).
10. Commercial motor vehicle driver education means any type of instruction or tutoring given to a person in the operation of a commercial motor vehicle or in preparing for a commercial driver examination, including endorsements, in exchange for remuneration or course credit.
11. Commercial motor vehicle driver education school license means a license issued by the Secretary of State which authorizes the holder to provide commercial driver education.
12. Commercial vehicle endorsement means an endorsement issued by the Secretary of State to a driver education instructor which authorizes the person to provide commercial motor vehicle driver education. A Class A commercial vehicle endorsement authorizes a person to teach classroom and behind-the-wheel phases of commercial motor vehicle driver education. A Class B commercial vehicle endorsement authorizes a person to teach only the behind-the-wheel phase of commercial motor vehicle driver education.
13. Digital instruction means any driver education provided through digital media approved by the Secretary of State including, but not limited to, internet based learning; compact disc (CD); digital video disc (DVD); blu-ray disc; or distance learning technology. Digital instruction must be conducted in conjunction with traditional classroom instruction.
14. Driver education means driver education as defined by 29-A MRSA §1354.
15. Driver education course means driver education provided to individuals who do not possess a valid permit or license for the operation of the class of vehicle for which driver education is provided.
16. Driver education school means driver education school as defined by 29-A MRSA §1354.
17. Driver education instructor means driver education instructor as defined by 29-A MRSA §1354.
18. Hour means 60 minutes. This is inclusive of a five-minute break per hour of instruction. Break time shall not be accumulated for early release from classroom instruction.
19. Person means person as defined by 29-A MRSA §1354.

20. Representative vehicle means a motor vehicle that represents the type and class of motor vehicle, including endorsements, in which the driver education school or instructor will provide the behind-the-wheel phase of driver education.
21. Student means a person enrolled in a driver education course.

§3. Application and Expiration for Driver Education Licenses

1. Forms. The Secretary of State shall provide forms and general information to persons to apply for the issuance of driver education licenses.
2. License. The Secretary of State may issue a driver education license, with endorsements, to persons who meet applicable licensing standards and qualifications upon payment of the required fees. Driver education licenses are not transferable.
3. Expiration of driver education licenses.
 - A. A driver education school license expires one year from the date of issuance. The Secretary of State may issue one temporary driver education school license for a period not to exceed 60 days.
 - B. A driver education instructor license expires two years from the date of issuance. The Secretary of State may issue one temporary driver education instructor license to an applicant for a period not to exceed 60 days. A person whose driver education instructor license has expired for more than five years must meet all the requirements for an initial applicant for a driver education instructor license.
4. Fees. The fee for a driver education license is established by 29-A MRSA §1354.

§4. Driver Education Instructor Licensing Requirements

1. Types of driver education instructor licenses.
 - A. Class A driver education instructor license. A Class A license authorizes the person to teach both the classroom and behind-the-wheel phases of driver education, and when authorized to provide digital instruction.
 - B. Class B driver education instructor license. A Class B license authorizes the person to teach only the behind-the-wheel phase of driver education.
 - C. Class A commercial vehicle endorsement. A Class A endorsement authorizes the person to teach both the classroom and behind-the-wheel phases of commercial motor vehicle driver education, and when authorized, to provide digital instruction.

- D. Class B commercial vehicle endorsement. A Class B endorsement authorizes the person to teach only the behind-the-wheel phase of commercial motor vehicle driver education.
2. General requirements. Any person who conducts driver education, operates a driver education school, acts as a driver education instructor or represents oneself as providing the same must be licensed by the Secretary of State. The Secretary of State may not authorize a person to conduct any type of driver education unless the person meets the following requirements.
- A. The person is at least 22 years of age and has a high school diploma or its equivalent. The age requirement applies to any initial applicant following the adoption of these rules.
 - B. The person has at least six years of driving experience as a licensed operator and possesses a valid license. If a person has not held a Maine license as required in this section, a certified copy of the persons driving record and proof of licensure from any state in which a license was held in the preceding six years must be provided with the instructor application.
 - C. The person has not been convicted for a moving criminal traffic offense within the last six years, except for operating without a license if the license was expired less than five years and operating with an expired registration.
 - D. The person has not been designated as an accident prone driver pursuant to 29-A MRSA §1308 within the last year.
 - E. The person has not had a driver's license suspended or revoked within the last six years pursuant to 29-A MRSA §§2411, 2453, 2454, 2456, 2457, 2472, 2521, 2525, 2552, 2554, 2555 or 2557.
 - F. The person has not been convicted for any Class A, B or C crime within the last ten years. A person is disqualified if convicted of a crime referenced in §4, subsection 2(M) from being licensed as a driver education instructor, driver education school, or school owner.
 - G. The person passes an examination administered by the Secretary of State, as described in §4, subsection 7, consisting of a knowledge, vision and road test in a representative vehicle.
 - H. The person has completed a first aid course approved by the Secretary of State within the preceding three years. Upon application, the first aid course completion certificate must be valid.
 - I. The person has completed a driving dynamics or defensive driving course approved by the Secretary of State within the preceding year.

- J. The person must not have any physical, emotional or mental impairment which would prevent driver licensure in accordance with Chapter 3, Secretary of State, Bureau of Motor Vehicles, Rules Governing the Physical, Emotional and Mental Competence to Operate a Motor Vehicle. Any person under review for a reportable medical, physical, mental, or emotional condition may, at the Secretary of State's discretion, be disqualified from possessing a driver education instructor license until all medical requirements have been met.
 - K. An out-of-state driver licensed as a driver education instructor in Maine must provide a driving record and criminal background check from the state of record upon initial application and each renewal of the instructor license.
 - L. With approval from the Secretary of State, a person from another state who has been licensed as a driver education instructor in another state in the preceding five years, may be exempted from §4 subsection 3A by providing proof of driver education instructor certification requirements and applicable certification documents.
 - M. The person has never been convicted of any crimes listed in 17-A MRSA §§201, 202, 203, 208, 208B, 208C, 210A, 210B, 210C, 211, 211A, 213, 253, 254, 255A, 256, 258, 260, 261, 282, 283, 284, 301, 302, 303, 553, 554, 556, 854, 855. Applicants suspended, revoked or denied due to a conviction of 17-A MRSA §211, 211A, 256, or 259A may request a hearing with the Secretary of State to show cause why the action should not be taken.
3. Requirements for a Class A driver education instructor license. In addition to the general requirements listed in §4, subsection 2, a person applying for a Class A driver education instructor license must meet the following requirements.
- A. Introductory course in driver education instruction. The person must have completed an introductory course in driver education instruction which includes peer teaching, curriculum delivery, harassment prevention, and teaching special needs students, within the preceding three years. The course must be approved by the Secretary of State.
 - (1) Upon successful completion of this course, filing a completed application and appropriate fees, satisfactory criminal background check, and meeting the general requirements listed in §4, subsection 2, except §4, 2G, a person may provide classroom and behind-the-wheel instruction, for up to 30 days from the driver education instruction course completion date, under the direct supervision of a Class A driving instructor who has been licensed as such for at least five years. The supervising instructor must be in the classroom and vehicle while instruction is being delivered.

4. Requirements for a Class B driver education instructor license. In addition to the general requirements listed in §4, subsection 2, a person applying for a Class B driver education instructor license must have completed the introductory course in driver education for a Class B driver education instructor license as described in §4, subsection 8 within the preceding three years. Upon successful completion of this course, filing an application and appropriate fees, a satisfactory criminal background check, and meeting the general requirements listed in § 4, subsection 2, except §4, 2G a person may provide behind-the-wheel instruction, for up to 30 days from the course completion date, under the direct supervision of a Class A or B driving instructor who has been licensed as such for at least five years, and is in the vehicle while behind-the-wheel instruction is being delivered.
5. Requirements for a commercial vehicle endorsement.
 - A. Class A commercial vehicle endorsement. In addition to the requirements listed in §4, subsections 2 and 3, a person applying for a Class A commercial vehicle endorsement must meet the following requirements.
 - (1) The person must have completed an introductory course in commercial vehicle driver education within the preceding three years. The Secretary of State shall approve the courses which fulfill this requirement.
 - (2) The person must possess a valid commercial driver's license and have at least two years experience in the last 10 years as a licensed driver in the actual operation of a representative commercial motor vehicle.
 - (3) The person has not had a driver's license suspended or revoked for operating a commercial motor vehicle with a blood-alcohol level of 0.04 percent or more or refusing to submit to a chemical test within the last six years.
 - B. Class B commercial vehicle endorsement. In addition to the requirements listed in §4, subsection 2, a person applying for a Class B commercial vehicle endorsement must meet the requirements listed in §4, subsection 5(A)(2) and 5(A)(3).
6. Continuing education and training requirements for driver education instructor license renewal. In addition to the requirements listed in §4, subsection 2, a person applying for the renewal of a driver education instructor license must meet the following requirements.
 - A. Continuing education. The person must complete a minimum of 16 hours of continued education each two year period following the issuance of the initial driver education instructor license granted after adoption of these rules. The Secretary of State may approve, prior to participation and on an individual basis, courses, conferences, workshops, webinars, seminars or

digital learning which satisfy this requirement. Course pre-approval is obtained by submission of a syllabus, course outline, or conference agenda. Proof of continued education must be submitted with each renewal.

- B. Driver education instruction. A person licensed as a Class A driving instructor, must provide at least 60 hours of classroom instruction and 20 hours of behind-the-wheel instruction in each two year period following the issuance of a renewed or initial driver education instructor license granted after the adoption of these rules. A person licensed as a Class B instructor, must provide at least 40 hours of behind-the-wheel instruction in each two year period following the issuance of a renewed or initial driver education instructor license granted after the adoption of these rules. Student record sheets must be provided as proof of instruction. Other related teaching experience may satisfy this requirement if an applicant for license renewal can show good cause, in writing, why driver education instruction was not provided .
7. Knowledge, vision and road test for driver education instructors. Prior to the issuance of a driver education instructor license an applicant must successfully complete a knowledge, vision and road test administered by the Secretary of State. The applicant must pay the applicable fee as established by 29-A MRSA Chapter 11.
- A. Knowledge test. A knowledge test consisting of at least 50 questions which measures an applicant's knowledge of traffic laws, safety, rules of the road, signs and other driver responsibilities. An applicant must score at least 80 percent to pass the knowledge test.
 - B. Vision screening. An applicant must meet the vision standards established by Chapter 3, Secretary of State, Bureau of Motor Vehicles, Rules Governing the Physical, Emotional and Mental Competence to Operate a Motor Vehicle.
 - C. Road test. The road evaluation measures the applicant's ability to operate a representative vehicle in a safe and prudent manner while demonstrating the requisite skill, knowledge and judgment. The test must include, at a minimum, the following:
 - (1) positioning of the vehicle on ways,
 - (2) turns,
 - (3) parking on a hill,
 - (4) offset backing (parallel parking)
 - (5) straight line backing,

- (6) lane changes,
 - (7) adjusting to adverse conditions,
 - (8) observance of signs and signals,
 - (9) observance of road markings,
 - (10) railroad grade crossing if available,
 - (11) perpendicular parking if available,
 - (12) angle parking if available,
 - (13) turnabout: 2 point, 3 point, and U-turn.
 - D. Upon successful completion of required testing, a person will be provisionally licensed to teach appropriate courses under limited supervision. Within six months of being provisionally licensed, a person must successfully complete a teaching evaluation, conducted by a designee of the Secretary of State, for the types of instruction relative to instructor license class.
 - E. Except for vision screening, a person may not exceed three attempts to successfully complete each form of required testing or evaluation within one year of application date.
8. Authority to provide the introductory course in driver education instruction to applicants for a Class A driver education instructor license. A licensed Class A driver education instructor may be authorized by the Secretary of State to provide the introductory course in driver education for Class A driver education instructor license applicants required by §4, subsection 3 (A).
- A. Requirements. A person seeking authorization under subsection 8 must meet the following requirements:
 - (1) hold a bachelors degree, held a Class A driver education instructor license valid for the preceding three years, and taught at least five complete driver education courses; or.
 - (2) held a Class A driver education instructor license valid for the preceding five years, and taught at least ten complete driver education courses; and
 - (3) The person must not have violated any statute or rule governing driver education or any condition or restriction placed on any license issued pursuant to these rules for which administrative or legal action was taken within the last five years; and

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- (4) The person must complete an instructor preparation program as approved by the Secretary of State; and
 - (5) Any instructor approved under this section will be required to allow any interested person to enroll in a course to meet licensing requirements. The approved instructor may assess a fee equal to the current tuition for a three credit course through the University of Southern Maine.
 - B. Curriculum. The introductory course in driver education for Class A driver education instructor license applicants must be based on the approved curriculum standards; include components in harassment prevention; teaching students with special needs; and provide a minimum of 90 hours of instruction which includes five hours of behind-the-wheel training. The curriculum must be submitted to the Secretary of State for review and approval.
 - C. Location. The location where the course will be conducted must be inspected and approved by the Secretary of State.
 - D. A course instructor must provide the Secretary of State, in writing, notification of a driver education instructor course at least 10 days prior to the start of the course.
 - 9. Authority to provide the introductory course in driver education instruction to applicants for a Class B driver education instructor license. A licensed Class A driver education instructor may be authorized by the Secretary of State to provide the introductory course in driver education instruction for Behind-the-Wheel (Class B) driver education instructor license applicants required by §4, subsection 4.
 - A. Requirements. A person seeking authorization under subsection 9 must meet the following requirements.
 - (1) The person must be a licensed Class A driver education instructor for the preceding five years and taught at least 10 complete driver education courses.
 - (2) The person must not have violated any statute or rule governing driver education or any condition or restriction placed on any license issued pursuant to these rules for which administrative or legal action was taken within the last five years.
 - (3) The person must complete an instructor preparation program as approved by the Secretary of State.

- (4) The person must be observed and approved by the Secretary of State teaching the first classroom and behind-the-wheel instruction of a Class B driver education instructor introductory course in driver education taught by the person.
 - B. Curriculum. The introductory course in driver education for Class B driver education instructor license applicants must be based on the approved curriculum, include harassment prevention training, provide a minimum of eight hours of instruction and include behind-the-wheel training. The proposed curriculum must be submitted to the Secretary of State for review and approval.
 - C. Location. The location where the course will be conducted must be inspected and approved by the Secretary of State.
 - D. A course instructor must provide the Secretary of State, in writing, notification of a driver education instructor course at least 10 days prior to the start of the course.
10. Change of name or address. When a person, after applying for or receiving a driver education instructor license, changes name or moves from the address named in the application or on the driver education instructor license issued, that person shall, within 30 days, notify the Secretary of State, in writing or by other means approved by the Secretary of State, of the old and new name /address.

§5. Driver Education School Licensing Requirements

- 1. License requirements. Any person who conducts driver education, operates a driver education school, acts as a driver education instructor or represents oneself as providing the same must be licensed by the Secretary of State. Except as provided by these rules, a license is required for each location where driver education is provided.
- 2. Types of driver education school licenses.
 - A. Class A driver education school license. A Class A school license authorizes a person to provide both the classroom and behind-the-wheel phases of driver education and to employ Class A and Class B driver education instructors. A Class A driver education school license may authorize the school to provide digital instruction.
 - B. Class B driver education school license. A Class B school license authorizes a person to provide only behind-the-wheel instruction of driver education to a person who holds a valid learner's permit, temporary license, or driver's license and to employ Class A and Class B driver education instructors.

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- C. Commercial motor vehicle driver education school license. A commercial vehicle driver education school license authorizes a person to provide commercial motor vehicle driver education as follows.
- (1) Class A commercial motor vehicle driver education school license. A Class A license authorizes a person to provide the classroom and behind-the-wheel phases of commercial motor vehicle driver education and to employ Class A and Class B driver education instructors with commercial vehicle endorsements.
 - (2) Class B commercial motor vehicle driver education school license. A Class B license authorizes a person to provide only the behind-the-wheel instruction of commercial motor vehicle driver education to a person who holds a valid learner's permit, temporary license or driver's license and to employ Class A and Class B driver education instructors with commercial vehicle endorsements.
3. General requirements. An applicant for a driver education school license must submit the following information to the Secretary of State, who will provide forms for this purpose, and meet the following requirements.
- A. Ownership and employee information.
- (1) Identity of school owners. The name, date of birth, address and title of each owner including partners and shareholders. If a person applying for a driver education school license is not licensed as a driver education instructor, the person must submit to a criminal background check and pay the appropriate fee.
 - (2) Identity of driver education instructors. The name, date of birth and address of driver education instructors employed or otherwise used by the school.
 - (3) Identity and location of school. The school name, mailing address, actual school location and the location where records will be maintained.
 - (a) School name. If a driving school does not renew its license within two years from the date of expiration, the school name shall be available for use by another person or entity unless the name is copyrighted or a registered trademark.
 - (b) School location. A driver education school may not be located in a facility where the Secretary of State conducts business at any location initially licensed after the adoption of these rules.

- (4) Harassment prevention. A driver education school must have a written policy to prevent any form of harassment of any student or instructor. A copy of the policy must be filed with the Secretary of State. In addition, a driver education school owner must provide training to prevent harassment of any kind to any employee upon initial hiring and require any employee to review the policy annually. Documentation of completion of training or review of the policy must be signed by the instructor and school owner and kept on file.
 - (5) Other. The Secretary of State may request applicants to provide additional information.
- B. Training vehicle information. A list of training vehicles, including the year, make, registration plate number and vehicle identification number, used by the school, its employees and others authorized by the school to provide behind-the-wheel instruction.
 - C. Insurance. A certificate of insurance or a bond providing the coverage in the amounts specified by 29-A MRSA §1354, which insurance or bond must be maintained at all times. The certificate or bond must contain the name of the driving school or instructor. A new certificate of insurance or bond must be submitted to the Secretary of State any time a vehicle is added or deleted. If the certificate or bond is in a person's name, it must state the vehicle is insured for driver education.
 - D. Surety bond. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss due to a driver education school failing to provide driver education as required in 29-A MRSA subchapter 3, Driver Education and Department of Secretary of State, Bureau of Motor Vehicles, Chapter 9: Rules Governing Driver Education §6.
 - (1) The surety bond shall be at least \$10,000 for a Class A driver education school.
 - (2) The surety bond shall be at least \$2,500 for a class B driver education school.
 - (3) The surety bond shall become payable upon order of the court of competent jurisdiction or administrative rule by the Bureau of Consumer Credit Protection or the Secretary of State.
 - (4) Form of the surety bond is prescribed in Appendices A and B.
 - E. Compliance with land use regulations. A certificate of occupancy or a report from the local fire department or other proper official which demonstrates that the school premises comply with state and municipal

requirements regarding public health, safety and access. Authorization to use the facility as a driver education school is required. If the classroom is located in a public or private school, a comparable letter from superintendent, principal, dean or headmaster will fulfill this requirement.

F. Facilities and equipment.

- (1) Permanent and established place of business. A Class A driver education and commercial motor vehicle driver education school must maintain an established place of business which must contain all required books and records. The name of the school may be displayed at the established place of business. A Class B driver education school and commercial motor vehicle driver education school must keep all required records at a permanent location.
- (2) Classrooms. A Class A driver education school and commercial motor vehicle driver education school must provide an adequate classroom, which must be used exclusively for driver education instruction during classroom instruction.
 - (a) Requirements. The classroom must meet the following requirements.
 - (i) have 15 square feet of floor space per student plus 24 square feet for the instructor.
 - (ii) have seating and writing space for each student.
 - (iii) provide adequate heat, lighting and ventilation.
 - (iv) have a restroom which must be readily accessible to students.
 - (v) have vision screening equipment or a vision screening chart or vision screening instrument.
 - (vi) have a blackboard, whiteboard or other similar instructional device.
- (3) Publications. A driver education school or commercial motor vehicle driver education school must have the following publications available at the school.
 - (a) The most recent edition of the Maine Motor Vehicle Statutes, Title 29-A, Maine Revised Statutes at each driver education school location.

- (b) The most recent State of Maine Motorist Handbook and Study Guide.
 - (c) The approved teacher and student textbooks which may not be more than one edition older than the most recently published edition. Each student shall purchase a textbook and workbook if available. If the driving school is providing the books for purchase, the price shall not be more than cost + 25%. Students are not required to purchase a textbook from the driver education school if one can be obtained by another means that is the same as the edition being used by the driving school. The Secretary of State may authorize the use of older editions if the changes to the most recent edition are insignificant.
- (4) Training vehicle requirements. All vehicles used by a driver education school or commercial motor vehicle driver education school must meet the following requirements.
- (a) Compliance with motor vehicle statutes. The vehicle must at all times be in compliance with the provisions of Title 29-A, the Maine Motor Vehicle Statutes.
 - (b) Signs. The vehicle must be equipped with a sign listing the name of the school where the student is enrolled, and a student driver sign which must be displayed during driving instruction. The signs must be in letters clearly visible from a minimum of 30 feet. Except for commercial motor vehicles, the signs must be removed or obscured if the vehicle is used for a driver license examination. Other markings on the vehicle referring to driving school, academy, driver education or training, or other similar phrases, except registration plates, must be obscured during a driver license examination.
 - (c) Dual brake and clutch pedals. Except for commercial motor vehicles, the vehicle must be equipped with an operable dual-control foot brake and, if the vehicle is not equipped with an automatic transmission, operable dual-control clutch pedal. The brake pedal on the passenger side must be hydraulically or mechanically attached to the braking system of the vehicle to allow the driver education instructor to bring the vehicle to a stop.
 - (d) Exceptions. The following vehicles are exempt from the requirements of subparagraph 4 (b) and 4 (c).

- (i) A vehicle, which is not provided by the driver education school, and is used to instruct a person with a disability which is specially equipped for use by a person with a disability.
 - (ii) A vehicle, which is not provided by the driver education school, that is being used to instruct a person who possesses a valid license or permit.
 - (5) Inside mirror. Except for commercial motor vehicles, the vehicle must be equipped with an inside mirror that is available for use and provides the driver education instructor with unobstructed vision to the rear of the vehicle. The mirror must be easily removed from the windshield. At the request of a Driver License Examiner, the instructor must remove the mirror for a road test. Vanity or visor mirrors are not acceptable.
 - (6) Approved by Secretary of State. Prior to use for instruction, the vehicle must be examined and approved as a training vehicle by the Secretary of State. A new certificate of insurance or bond must be submitted to the Secretary of State any time a vehicle is added or deleted.
- 4. Recordkeeping Requirements. Driver education schools must record and transmit the following information.
 - A. Class A driver education and commercial motor vehicle driver education school records. Class A schools must maintain the following records.
 - (1) New course reports. A new course report must be submitted to the Secretary of State on an approved form at least seven days prior to the start of a driver education course. The Secretary of State must be notified, prior to the change or as quickly as possible thereafter, of any changes made to the schedule indicated on the originally submitted report, including cancellations due to weather or other unforeseen circumstances.
 - (2) Course completion reports. A driver education course consists of two parts, classroom instruction and behind-the-wheel instruction. Classroom instruction and behind-the-wheel instruction must be completed before the student is issued a course completion certificate, and added to a course completion report. Course completion reports must be submitted to the Secretary of State within 30 days of the final classroom session. Any students who have not completed by the 30 day due date must be submitted on a separate report. Only the name of the instructor(s) directly

involved in any portion of the instruction of the course shall be listed on the course completion report.

- (3) Student record sheets. A student record sheet must be kept for each student and maintained in a secure location by the school for a period of at least two years from the date driver education was completed. Upon expiration of the retention period all student record sheets must be disposed of in a secure manner. The student record sheet must contain the following information.
 - (a) Student identity. The name, address, telephone number, email address (optional) and date of birth of the student and the control number of the course completion certificate issued to the student.
 - (b) Visual acuity. The visual acuity of the student.
 - (c) Instruction. The number of classroom and behind-the-wheel instruction hours provided to the student.
 - (d) Instructor and location. The name of the instructor who provided the classroom and behind-the-wheel instruction and the location where the classroom instruction was conducted. Only the name of the instructor(s) directly involved in any portion of the instruction of the course shall be listed on the student record sheet.
 - (e) Parental involvement. Date and type of parental involvement as defined in §6, subsection 1D (1).
 - (f) At the completion of the course, signature of the student, parent or guardian if the student is under 18, certifying the student received all required components of the course indicated on the student record sheet. A copy of the student record sheet shall be provided if requested by the student, parent or guardian.
 - (g) Student record sheets shall be provided to the Secretary of State on request.
 - (h) Class A schools must maintain a record for each person given private behind-the-wheel driving lessons that includes the person's name, date of birth, address, the nature and extent of instruction provided and the name of the driver education instructor(s). These records must be maintained and kept in a secure location for a period of at least two years from the date driver education was

completed. Upon expiration of the retention period all records must be disposed of in a secure manner.

- (4) Employees. The school shall provide the names and addresses of persons employed by the school. The school must immediately advise the Secretary of State, in writing, whenever a driver education instructor is hired or leaves the school's employ.
 - (5) Location. The location and address of the school. The school owner must immediately advise the Secretary of State, in writing, whenever the location or address of the school changes.
 - B. Class B driver education and commercial motor vehicle driver education school records. Class B driver education schools and commercial motor vehicle driver education schools must maintain a record for each person given driver education that includes the person's name, date of birth, address, the nature and extent of instruction provided, and the name of the driver education instructor(s). These records must be maintained for a period of at least two years from the date driver education was provided. A copy of the student record sheet shall be provided if requested by the student, parent or guardian. Student record sheets shall be provided to the Secretary of State upon request.
 - C. Inspection of records. The Secretary of State may, with or without notice to the driver education school, inspect all school records. The school must make such records available to the Secretary of State for inspection.
 - D. Sale or closure of driver education school. A driver education school owner must immediately advise the Secretary of State, in writing, of its sale or closure. If a driver education school has any students who have not completed the course, a written plan must be submitted to the Secretary of State detailing what arrangements will be made to complete the students. A driver education school that is closed or sold must immediately return all documents, forms and other related material issued by the Secretary of State and its license, if unexpired, to the Secretary of State.
 - E. Loss or destruction of records. The loss, mutilation or destruction of any records required to be filed or maintained in accordance with these rules must be reported immediately to the Secretary of State.
 - F. Exceptions for commercial motor vehicle driver education schools. A commercial motor vehicle driver education school is exempt from the requirements of subsection 4, paragraph A(1) and A(2).
5. Additional requirements for Class A commercial motor vehicle driver education schools. In addition to the requirements listed in §4, subsection 3 and 4, a Class A commercial motor vehicle driver education school must meet the following requirements.

- A. Publications. The school must have the following publications and information available at the school.
 - (1) Federal motor carrier safety regulations. The most recent printed or electronic edition of the United States Department of Transportation, Federal Highway Administration, Motor Carrier Safety Regulations at each location.
 - (2) Commercial driver's manual. The most recent edition of the State of Maine Commercial Driver's Manual.
 - (3) Curriculum textbook. A textbook approved by the Secretary of State which may not be more than one edition older than the most recent edition.
- B. Off street driving range. The school must have an off street range area approved by the Secretary of State that measures at least 20,000 square feet and is sufficient for providing training on parallel parking, straight line backing, forward through an offset alley and alley docking. A range of 15,000 square ft. is acceptable for a Class B commercial vehicle, passenger bus or school bus.

§6. Driver Education School Curriculum. All driver education schools must adhere to the standardized curricula established by these rules.

- 1. Class A driver education school curriculum. A Class A driver education school providing a driver education course must follow the driver education curriculum approved by the Secretary of State. The textbook and other materials necessary to deliver the curriculum must be available for each student and may not be more than one edition older than the most recent edition or version. The Secretary of State may authorize the use of older editions if the changes to the most recent edition are insignificant. This curriculum requires 30 hours of classroom instruction and ten hours behind-the-wheel training. The curriculum is divided into three sections and provides a learning sequence which begins with the presentation of basic driver education concepts leading to the more difficult and complex concepts. A driver education instructor may not provide the instruction required by this curriculum until the person has completed training, approved by the Secretary of State, to deliver the curriculum.
 - A. Pre-driving instruction. The following classroom instruction must be provided to the student before the student operates a motor vehicle. A driving instructor shall use no less than nine hours of classroom instruction time to cover the required material.
 - (1) The Highway Transportation System & Risk Management
 - (2) Observation techniques

- (3) Understanding Regulatory & Warning Signs
- (4) Guide & International Signs
- (5) Understanding the Purpose of Pavement Markings
- (6) Traffic Control Signals
- (7) Right-of-Way Rules
- (8) Speed Limits Help in Reducing Risk
- (9) Comfort & Control Systems & Risk Management
- (10) The Visibility & Protective Systems of Your Car
- (11) Information & Communication Systems
- (12) Checks & Procedures to Use Before Driving
- (13) Basic Operating Procedures: Automatic Transmission
- (14) Basic Operating Procedures: Manual Transmission
- (15) Acceleration, Deceleration & Speed
- (16) Learning How to Steer the Car

B. Behind-the-wheel instruction. The following classroom instruction must be presented in the order indicated

- (1) Moving From a Curb into Traffic & Out of Traffic to a Curb
- (2) How to Prepare for & Execute a Right Turn
- (3) How to Prepare for & Execute a Left Turn Planning & Executing a Reverse in Direction
- (4) Managing Power & Speed on Hills & Mountains
- (5) Managing Visibility, Time & Space
- (6) Visibility, Time & Space on Rural
- (7) Visibility, Time & Space on Urban Streets
- (8) Visibility, Time & Space on Multiple-Lane Highways
- (9) Managing Visibility, Time & Space When Changing Lanes

- (10) Passing Another Vehicle & Being Passed
- (11) How to Prepare for and Execute a Parking Maneuver

C. Additional instruction. The following classroom instruction must be provided. The order of presentation is optional with the school.

- (1) Distracted Driving
- (2) Knowing Yourself
- (3) Handling Social Pressures
- (4) Administrative Laws and Accidents
- (5) Light & Weather Conditions
- (6) Sharing the Roadway
- (7) Natural Laws & Driving
- (8) Responding to An Emergency
- (9) Buying a Car
- (10) Car Systems & Maintenance
- (11) Planning A Trip
- (12) Getting Ready: Your State Driving Test

D. Other related requirements.

- (1) Parental involvement. The curriculum includes a parental involvement component. For the purpose of this paragraph the following person would satisfy this component: parent, stepparent, foster parent, legal guardian, or grandparent living within the same household, or other person approved by the Secretary of State. The component must be approved by the Secretary of State and may be satisfied by the following non-exhaustive list of methods.
 - (a) Attendance during classroom instruction for at least two hours.
 - (b) Accompanying the student during behind-the-wheel training for at least one hour.
 - (c) Attendance at a school orientation for at least one hour.

- (d) Review of instructional/informational video tapes provided by the school which last for at least one hour. A work sheet completed by the student and parent must be submitted for review by the instructor.
 - (e) Any exception to parental involvement must be approved by the Secretary of State. This component is not required if the student is 18 years old by the completion of the course. This component may be waived for an emancipated minor.
- (2) Classroom hours. Classroom instruction may not exceed ten hours in any seven day period from the start date of the course and no more than three hours of classroom instruction may be provided on any calendar day. Break time shall not be accumulated for early release from classroom instruction. Courses offered in public or private schools may not start sooner than 15 minutes after the end of the regular school day. Two or more courses scheduled consecutively at the same location on the same day, may not start sooner than 15 minutes after the scheduled completion of the immediate preceding session. No classroom instruction may be provided before 6:00 AM or after 10:00 PM. Exception requests to this rule must be made in writing and approved by the Secretary of State.
- (3) Student-instructor ratio. The maximum student-instructor ratio is 30 to 1.
- (4) Guest speakers. Unless authorized by the Secretary of State, no more than three hours of the 30 classroom hours may be devoted to guest speakers. A Class A driver education instructor must be present during a guest speaker's presentation. All speaker presentations must be directly related to the required curriculum and use of graphic accident scene pictures or video material is prohibited unless approved by the Secretary of State.
- (5) Behind-the-wheel hours. Behind-the-wheel instruction may not exceed two hours for a student on any calendar day. A 10 minute break is required after the first hour of driving if scheduled for a 2 hour lesson. Unless authorized by the Secretary of State, no behind-the-wheel instruction may be provided before 6:00 a.m. or after 10:00 p.m.
- (6) Behind-the-wheel instruction on road test routes. Behind-the-wheel instruction, including instruction provided to persons who are not enrolled in a driver education course, may not occur on routes used by the Secretary of State; or practice parking maneuvers on a state vehicle specifically marked "Reserved for

Road Testing”, or similar language, for driver examination road tests during normal business hours.

- (7) Vision screening for students. A school must screen each student’s vision prior to conducting behind-the-wheel training. A student who does not have vision correctable by lenses of at least 20/40 in the best eye may not operate a motor vehicle until the student presents a statement from a doctor, optometrist, registered nurse or other person approved by the Secretary of State that shows vision is at least 20/40 in the best eye.
- (8) Evaluation. A driver education school providing a driver education course must have a plan for evaluating and recording student progress in meeting course objectives, which may include performance standards. A driver education school must also have a written policy, which must be provided to students prior to the start of a driver education course, that defines satisfactory course completion standards.
- (9) Refund and cancellation policy. A driver education school must have a written refund and cancellation policy which must be furnished to the student at the time of enrollment in a driver education course. All fees related to the course must be disclosed in this policy. This policy must include the mailing address, and telephone number of the Secretary of State.
- (10) Incomplete driver education course. A student, enrolled in a driver education course who fails to complete the course by discontinuing, is allowed to resume a similar course from the point which the student had completed if the student resumes within six months. Missed classes may be taken at any licensed driver education school provided the subject and topic area missed by the student are covered.
- (11) A student who is absent from class or classes may not take the final examination or be issued a course completion certificate until the missed material and class time is completed. A student has six months from the date of the missed class to complete the makeup. For the purpose of this section, a student may exceed the time limit as described in §6, subsection 1D (2) once in the course in which they are enrolled.
- (12) Video. All forms of video presentation, including but not limited to VHS, CD, DVD, Blu-ray disc or Internet based format, must be approved by the Secretary of State prior to use in a driver education course. Instructors must be present in the classroom during the video presentation.

- (13) Harassment prevention. At the beginning of a driver education course, a driver education school must provide, and review with students, information to prevent any form of harassment of any student or instructor either in the classroom or in a vehicle during behind-the-wheel instruction.
 - (14) A course completion certificate shall not be issued to any student who has not completed classroom and behind-the-wheel instruction, passed the final examination or was not 15 years old at the commencement of the course.
 - E. Final examination. A driver education school must administer a final examination to students who have completed all the requirements provided in these rules and any additional requirements imposed by the driver education school. The examination must consist of a minimum of 30 questions and the student must correctly answer 80 percent of the questions to pass the examination. The Secretary of State shall provide the questions by category which the school must use for the final examination.
 - F. Course completion certificate. A driver education school must issue a course completion certificate, provided by the Secretary of State, to a student who successfully completes all of the course requirements. A student may not be issued a completion certificate unless the student has received all the instruction required by the approved curriculum and meets the minimum requirements established by these rules and applicable statute. A driver education school may establish additional reasonable requirements, including performance standards, that a student must meet to obtain a course completion certificate. If a driver education school establishes additional requirements, the student must be advised, in writing, prior to enrolling in the course of all the requirements necessary to earn a course completion certificate. A driver education school may not withhold the issuance of a course completion certificate solely because the student fails to pay any fee required by the school.
- 2. Commercial motor vehicle driver education curriculum.
 - A. Commercial motor vehicle driver education course instructing students in the operation of vehicles which require a Class A driver's license. A commercial motor vehicle driver education school providing such a course must follow approved tractor trailer driver curriculum by the Secretary of State. The textbook and other materials necessary to deliver the curriculum may not be more than one edition older than the most recent edition or version. The Secretary of State may authorize the use of older editions if the changes to the most recent edition are insignificant. This curriculum requires 78 hours of classroom instruction, 25 ½ hours of laboratory instruction and 44 hours behind-the-wheel instruction. All

behind-the-wheel instruction must occur under the direct supervision of a driver education instructor who has a commercial vehicle endorsement. A driver education instructor may not provide the instruction required by this curriculum until the person has completed training, approved by the Secretary of State, to deliver the curriculum.

B. Commercial motor vehicle driver education course instructing students in the operation of vehicles which require a Class B driver's license. A commercial motor vehicle driver education school providing such a course must adhere to the following requirements and must submit the curriculum to the Secretary of State for approval before the start of a course.

- (1) Classroom and behind-the-wheel hours. The course must provide 42 hours of classroom instruction, 20 hours of behind-the-wheel instruction on an off-road range area or facility and 10 hours of behind-the-wheel instruction on-road in rural and urban traffic areas.
- (2) Classroom instruction. Classroom instruction must include the following topics.
 - (a) Orientation.
 - (b) Safe operation regulations, including:
 - (i) Maine motor vehicle law (Title 29-A, Maine Revised Statutes).
 - (ii) Federal motor carrier safety regulations.
 - (c) Equipment introduction.
 - (d) Commercial motor vehicle safety control systems.
 - (e) Safe vehicle control, including:
 - (i) control systems.
 - (ii) basic control.
 - (iii) shifting.
 - (iv) backing.
 - (v) visual search.
 - (vi) communication.
 - (vii) speed and space management.

- (viii) driver fatigue.
 - (ix) night operation.
 - (x) extreme driving conditions.
 - (xi) hazard perceptions.
 - (xii) emergency maneuvers.
 - (xiii) skid control and recovery.
 - (f) Relationship of cargo to vehicle control.
 - (g) Vehicle inspections.
 - (h) Hazardous materials knowledge.
 - (i) Air brake knowledge.
 - (j) First Aid.
 - (k) Accident procedures.
 - (l) Defensive driving principles.
 - (m) Enforcement agencies and regulations.
 - (n) Drugs, alcohol and driver fitness.
 - (o) Distracted driving.
- (3) Behind-the-wheel instruction. All behind-the-wheel instruction must occur under the direct supervision of a driver education instructor who has a commercial motor vehicle endorsement and must include the following skills and topics.
- (a) Basic safe vehicle control, including:
 - (i) ability to start.
 - (ii) ability to stop.
 - (iii) ability to move the vehicle forward and backward.
 - (b) Basic vehicle inspection and operation of air brakes.
 - (c) Safe driving, including:

- (i) visual search methods.
- (ii) use of signals.
- (iii) speed control for weather, traffic and cargo conditions.
- (iv) ability to choose a safe gap and correctly position the vehicle when changing lanes or turning.

C. Other requirements. The requirements of subsection 1, paragraph D, subparagraphs (7) through (11) apply to the commercial motor vehicle driver education curriculum.

§7. Monitoring and Inspection by Secretary of State. The Secretary of State shall monitor, with or without notice, classroom and behind-the-wheel instruction for compliance with statutory and regulatory requirements. A driver education school and driver education instructor must allow the Secretary of State access to facilities, vehicles and records necessary to monitor and inspect classroom and behind-the-wheel instruction.

§8. Prohibited conduct. A person may not engage in the following conduct or activities.

1. Driver education. A person may not conduct driver education, operate a driver education school, act as a driver education instructor or represent oneself as providing the same without being licensed by the Secretary of State.
2. Solicitation and advertising. A driver education school, including employees and agents, and a driver education instructor may not:
 - A. solicit or advertise business at a location where the Secretary of State conducts driver tests.
 - B. advertise, imply or otherwise represent oneself to be an employee or agent of the Secretary of State.
 - C. advertise, imply or otherwise represent or insinuate that the issuance of a driver's license is guaranteed or assured.
 - D. make any false, misleading or deceitful claims, statements or representations in any advertisement or solicitation.
 - E. advertise a new unlicensed school or location without notifying the Secretary of State. The advertisement may not occur more than 30 days prior to the scheduled opening. If the new school or location is not opened by the scheduled date, an amended date is required in writing or the advertisement must be rescinded within five business days.

3. Mobile communication devices. A driver education instructor may not engage in the use of any form of two-way communication devices while conducting behind-the-wheel instruction, and the student is operating the vehicle as defined in 29-A MRSA §2119 (1) (D). Such devices include, but are not limited to, mobile or cellular telephones, two-way radios, citizen band radios or text messaging devices.
4. A driver education school, including employees and agents, and a driver education instructor may not engage in unprofessional conduct with other driver education providers at a location where the Secretary of State conducts business.
5. A driver education school, including employees and agents, and a driver education instructor may not interfere, harass or intimidate any person where the Secretary of State conducts business.
6. A driver education school, including employees and agents, and a driver education instructor may not engage in any verbal, physical or visual harassment of any employee or agent of the Secretary of State.
7. A driver education school, including employees and agents, and a driver education instructor may not intimidate or harass an employee, student or other person receiving driver education based on sex, color, race, religion, national origin, age, marital status, physical or mental disability or sexual orientation. For the purpose of this paragraph harassment includes the following, which may be a series of incidents or a single occurrence: unwelcome sexual advances, gestures, comments, or contact; threats; offensive jokes; subjecting employees, students or other persons receiving driver education to ridicule, slurs, or derogatory actions. For the purpose of this paragraph, sexual-harassment includes the following, which may be a series of incidents or a single occurrence: verbal, nonverbal and physical behavior that is sexual in nature such as comments about a person's looks, personal inquiries, sexual jokes, use of derogatory sexual stereotypes, uttering sexually suggestive sounds, writing sexual notes, use of the computer equipment to send or receive material of a sexual nature, looking someone up-and-down, staring or leering at someone's body, deliberate blocking of a person's path, displaying sexual visuals, making sexual gestures, massaging, touching, deliberate brushing up against someone, hugging, pinching, grabbing or other sexual touching, contact or act.
8. A driver education school or instructor shall not park in an area reserved for road test parking at any facility where the Secretary of State conducts road tests during normal business hours.
9. A driver education school or instructor shall not leave an unattended vehicle with signs displayed as required in §5, subsection 3, F, (4)(b) at any location where the Secretary of State conducts business.

- §9. Complaints.** All complaints regarding a driver education school or instructor must be signed by the complainant and submitted to the Secretary of State in writing. The Secretary of State shall acknowledge receipt of the complaint and notify the complainant of the final action taken. The Secretary of State shall advise the person against whom a complaint has been registered of the nature of the claim. The Secretary of State may investigate complaints as deemed appropriate.
- §10. Suspension and revocation of licenses.** The Secretary of State may suspend, revoke or refuse to issue or renew a driver education school or instructor license for noncompliance with statutory and regulatory requirements. A person refused a license or whose license is suspended or revoked may request a hearing with the Secretary of State. Administrative hearings are conducted in accordance with 29-A M.R.S.A, Chapter 23, Subchapter III, Article 3.

There may be a minor fiscal impact to a small number of municipalities resulting from the adoption of these rules.

Appendix A

Surety Bond for Class A Driver Education School

BOND NUMBER:

KNOW ALL MEN BY THESE PRESENTS, That we _____
(Name of Driving School)

of _____ **and** _____
(Driving School Address) (Surety Company)

as surety authorized to do business in the State of Maine are held and firmly bound unto the Secretary of State, State of Maine to ensure faithful compliance with Chapter 9, Rules Governing Driver Education and the terms and conditions of the certificate issued there under. This bond has been undertaken by the principal in the amount of ten thousand (\$10,000) for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

Whereas the above bounden Principal has made application to the Secretary of State, State of Maine, Bureau of Motor Vehicles, for certification to engage in business as a driver education school in accordance with rules promulgated by the Secretary of State, and if so certified, said Principal is required to furnish a surety bond pursuant to Chapter 9, Rules Governing Driver Education.

Now, therefore, the condition of this Obligation is such that if the said Principal shall faithfully observe the provisions of the rules promulgated relating to the business of driver education school obligation shall be null and void, otherwise to remain in full force and effect.

It is further understood and agreed that:

1. This bond shall run from the date it is signed and dated and shall continue in full force and effect for a minimum of one (1) year after driver education school license expiration.
2. This bond may be canceled by the Surety at any time by giving thirty (30) days written notice by registered or certified mail to the Secretary of State.

Principal and Surety agree to be bound by the laws of the State of Maine as to the interpretation of this instrument.

Signed, sealed and dated the _____ day of _____, 20____

Principal

Surety Company

Address of Surety Company

BY: _____

BY: _____

Witness: _____

Appendix B**Surety Bond for Class B
Driver Education School****BOND NUMBER:****KNOW ALL MEN BY THESE PRESENTS, That we** _____
(Name of Driving School)**of** _____ **and** _____
(Driving School Address) (Surety Company)

as surety authorized to do business in the State of Maine are held and firmly bound unto the Secretary of State, State of Maine to ensure faithful compliance with Chapter 9, Rules Governing Driver Education and the terms and conditions of the certificate issued there under. This bond has been undertaken by the principal in the amount of two thousand five hundred dollars (\$2,500) for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

Whereas the above bounden Principal has made application to the Secretary of State, State of Maine, Bureau of Motor Vehicles, for certification to engage in business as a driver education school in accordance with rules promulgated by the Secretary of State, and if so certified, said Principal is required to furnish a surety bond pursuant to Chapter 9, Rules Governing Driver Education.

Now, therefore, the condition of this Obligation is such that if the said Principal shall faithfully observe the provisions of the rules promulgated relating to the business of driver education school obligation shall be null and void, otherwise to remain in full force and effect.

It is further understood and agreed that:

1. This bond shall run from the date it is signed and dated and shall continue in full force and effect for a minimum of one (1) year after driver education school license expiration.
2. This bond may be canceled by the Surety at any time by giving thirty (30) days written notice by registered or certified mail to the Secretary of State.

Principal and Surety agree to be bound by the laws of the State of Maine as to the interpretation of this instrument.

Signed, sealed and dated the _____ day of _____, 20____

Principal_____
Surety Company_____
Address of Surety Company

BY: _____

BY: _____

Witness: _____

STATUTORY AUTHORITY: 29-A MRSA § 153

EFFECTIVE DATE: